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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,151	09/24/2001	Tosiharu Kondo	12-009	5362
23400	7590	10/18/2004		
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190				
			EXAMINER WRIGHT, WILLIAM G	
			ART UNIT 1754	PAPER NUMBER

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,151

Applicant(s)

KONDO ET AL.

Examiner

William G. Wright SR.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Applicant's argument against the outstanding rejection is found persuasive. Accordingly, the previous rejection of record is withdrawn.

The correct English language translation of Japanese 62-004441 is presented with the current action and any inconvenience caused by the Examiner in the last action is regretted.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103(a).

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japan 62-004441 in view of Engler et al. '311.

Japan '441 teaches at page 2 of the English translation a cordierite ceramic catalyst for the utility of auto exhaust gas treatment. The teaching of a selective elution of magnesium oxide and aluminum oxide from the cordierite by acid treatment to produce sites on the cordierite for the direct depositing of catalytic elements is found at page 6 line 8 et seq. of the English language

translation. The teaching of cerium dioxide and the other catalytic elements of the instant application are taught at page 9 line 9 et seq. of the English language translation. The teaching of the catalytic elements being directly deposited on the ceramic support is found at page 9 line 21 et seq. Here it states directly that it is possible to support a catalytic component on the surface of an acid treated cordierite honeycomb that has an increased specific surface area. This increased surface area is well known in the art to produce microcracks for catalytic components to attach to. The teaching of the specific surface area having a crucial relationship with the activity of the supported catalyst is taught at page 10 line 23 et seq. The teaching that a wash coat is unnecessary due to the treatment of the ceramic found in the reference is found at page 14 line 1 et seq. of the English language translation.

The primary reference fails to teach the variation in catalytic composition from the surface to the interior of the support.

The supporting reference teaching the varying of the catalyst composition concentration from the periphery to the interior of the catalyst structure is taught at column 1 line 28 et seq. and in the claims of the supporting reference. The teaching of noble metals and cerium is found at column 3 line 18 et seq. Ceramic supports are taught at column 1 line 36.

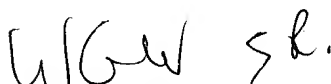
The instant claimed invention is obvious as both references teach auto gas catalyst compositions on ceramic supports with the same catalytic elements. The teaching of the supporting reference as to the variation of the concentration of the catalytic components would be an obvious feature to combine with the primary reference and its honeycomb structure to give the best contact between the flowing gases and the catalysts found on the honeycomb support. The motivation to contact the exhaust gas with the most catalyst would send a practitioner in the direction of varying the catalytic composition to accomplish such contact. It is then obvious to apply the catalyst compositional features of the supporting reference with the primary reference to arrive at the applicant's invention.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to William G. Wright, Sr. whose telephone number is (571) 272-1361. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on (571) 272-1558. The fax phone number for the organization where this application or proceeding is assigned are (703) 872-9306 for the regular communications and (703) 872-9311 for after final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


W. G. Wright, Sr.:cdc
September 23, 2004


STEVEN BOS
PRIMARY EXAMINER
GROUP 1100